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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,312	08/03/2006	Daiji Ido	L9289.06174	6866

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EXAMINER	
MAPA, MICHAEL Y	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
08/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/588,312	IDO ET AL.	
	Examiner	Art Unit	
	Michael Mapa	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/19/09 has been entered.

Response to Amendment

2. The applicant has amended the following:

Claims: 1-6, 8-9, 12-17 and 19-20 have been amended.

Claims: 7, 10-11, 18 and 21 have not been amended.

Response to Arguments

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haberman et al. (US Patent Publication 2005/0113115 herein after referenced as Haberman) in view of Linkola (US Patent 6516190 herein after referenced as Linkola).

Regarding claim 1, Haberman discloses "A terminal apparatus comprising: a receiving section that receives distribution data" **(Paragraphs [0120] & [0221] of Haberman).** Haberman discloses "a data sort section that, based on said cell information contained in said distribution data received in said receiving section, and information of an area to which said terminal apparatus belongs, determines a priority of said distribution data, and arranges said distribution data in order starting with distribution data for which said priority is highest" **(Paragraph [0127] & [0139] of Haberman).** Haberman discloses "and a display section that displays said distribution data in the order in which said distribution data has been arranged in said data sort section" **(Paragraph [0121] & [0127] of Haberman).**

Haberman fails to explicitly recite "distribution data containing cell information, which is information for identifying a cell."

In a related field of endeavor, Linkola discloses "distribution data containing cell information, which is information for identifying a cell" **(Column 7, Lines 28-49 of Linkola).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Haberman to incorporate the teachings of Linkola for the purpose of improving system versatility and making the system more appealing and marketable by providing a system in which the area of a specially priced call is not dependent on the cell coverage area but may instead consist of a geographic area **(Column 4, Lines 52-58 of Linkola).**

Regarding claim 2, Haberman in view of Linkola discloses "The terminal apparatus according to claim 1, wherein: said receiving section receives said distribution data containing cell information for a plurality of cells" **(Paragraphs [0120] & [0221] of Haberman & Column 7, Lines 28-49 & Column 12, Lines 29-40 of Linkola).** Haberman in view of Linkola discloses "and said data sort section makes said distribution data containing cell information of said area to which said terminal apparatus belongs highest-priority distribution data" **(Paragraphs [0127] & [0145] of Haberman & Column 7, Lines 28-49 of Linkola).**

Regarding claim 3, Haberman in view of Linkola discloses "The terminal apparatus according to claim 1, wherein: said receiving section receives distribution data containing cell information for one cell" **(Paragraphs [0120] & [0221] of Haberman & Column 7, Lines 28-49 of Linkola).** Haberman in view of Linkola discloses "and said data sort section determines the priority of said distribution data based on said cell information and information of a local cell, which is said area to which said terminal apparatus belongs" **(Paragraphs [0127] & [0145] of Haberman & Column 7, Lines 28-49 & Column 12, Lines 29-40 of Linkola).**

Regarding claim 4, Haberman in view of Linkola discloses "The terminal apparatus according to claim 3, wherein said data sort section makes a priority of distribution data containing cell information indicating the local cell the highest priority, and among distribution data containing cell information indicating other cells, arranges said distribution data so that the farther a cell is from the local cell, the lower is its priority" **(Paragraphs [0127] & [0145] of Haberman & Column 7, Lines 28-49 & Column 12, Lines 29-40 of Linkola).**

Regarding claim 5, Haberman in view of Linkola discloses "The terminal apparatus according to claim 3, wherein: said receiving section receives distribution data containing location information, which is information indicating a location for each area narrower than said cell information and said cell information" **(Paragraph [0130] of Haberman & Column 7, Lines 28-49 & Column 4, Lines 55-56 of Linkola).** Haberman in view of Linkola discloses "and said data sort section, among said distribution data containing said cell information indicating the local cell, arranges said distribution data so that the nearer a location of said location information is to its own location, the higher a priority thereof is made" **(Paragraphs [0127] & [0145] of Haberman & Column 7, Lines 28-49 & Column 12, Lines 29-40 of Linkola).**

Regarding claim 6, Haberman in view of Linkola discloses "The terminal apparatus according to claim 3, further comprising a received signal strength measuring section that measures received signal strength in each cell from a received signal" **(Paragraph [0145] of Haberman & Column 7, Lines 28-49 of Linkola).** Haberman in view of Linkola discloses "wherein said data sort section arranges said distribution data

so that the higher the received signal strength measured by said received signal strength measuring section of the cell indicated by said cell information contained in said distribution data, the higher a priority thereof is made" **(Paragraph [0145] of Haberman).**

Regarding claim 7, Haberman in view of Linkola discloses "The terminal apparatus according to claim 3, wherein said display section displays said distribution data for which said priority is greater than or equal to a threshold value" **(Paragraph [0173] of Haberman, wherein Haberman discloses a predetermined proximity (threshold value)).**

Regarding claim 8, Haberman in view of Linkola discloses "The terminal apparatus according to claim 3, further comprising a display switching section that selects a partial-display mode in which said distribution data for which said priority is greater than or equal to a threshold value is displayed by said display section, or a full-display mode in which all received said distribution data is displayed by said display section, wherein said display section displays distribution data for which said priority is greater than or equal to the threshold value when said partial-display mode is selected by said display switching section, and displays all received distribution data when said full-display mode is selected by said display switching section" **(Paragraphs [0173] – [0175] of Haberman, wherein Haberman discloses presenting preferred content within a predetermined proximity (threshold value) as well as presenting a list of the preferred the content. Therefore, a switching unit section that displays a partial display mode (when filter is set for content to have a predetermined**

proximity) and displays a full display mode (when filter is not set to have a predetermined proximity)).

Regarding claim 9, Haberman in view of Linkola discloses "The terminal apparatus according to claim 3, further comprising a channel selection section that selects a channel based on local cell information, and said cell information and channel information, which is information of a channel that distributes broadcast program data that are contained in said distribution data received by said receiving section, wherein said display section first displays said broadcast program data distributed using said channel selected by said channel selection section" **(Paragraphs [0071] & [0175] of Haberman, wherein Haberman discloses informational content to be on separate channels and the informational content is presented for the broadcast selected from the list by the user, therefore a channel selection section).**

Regarding claim 10, Haberman in view of Linkola discloses "The terminal apparatus according to claim 9, wherein said channel selection section selects a channel of said channel information contained in said distribution data containing said cell information of the local cell" **(Paragraphs [0071] & [0175] of Haberman).**

Regarding claim 11, Haberman in view of Linkola discloses "A distribution server that transmits said distribution data to the terminal apparatus according to claim 3" **(Paragraph [0220] of Haberman).** Haberman in view of Linkola discloses "said distribution server comprising: a location information providing section that includes said cell information in content" **(Paragraph [0220] of Haberman & Column 7, Lines 28-49 of Linkola).** Haberman in view of Linkola discloses "and a transmitting section that

transmits said content in which said cell information has been included by said location information providing section to said terminal apparatus as said distribution data" **(Paragraph [0220] of Haberman).**

Regarding claim 12, Haberman discloses "A received data display method comprising: a step of receiving distribution data" **(Paragraphs [0120] & [0221] of Haberman).** Haberman discloses "and a step of, based on said cell information contained in said distribution data received in said step of receiving, and information of an area to which a subject apparatus belongs, determining a priority of said distribution data, and arranging said distribution data in an order starting with distribution data for which said priority is highest" **(Paragraph [0127] & [0139] of Haberman).** Haberman discloses "and a step of displaying said distribution data in the order in which said distribution data it has been arranged" **(Paragraph [0121] & [0127] of Haberman).**

Haberman fails to explicitly recite "distribution data containing cell information, which is information for identifying a cell."

In a related field of endeavor, Linkola discloses "distribution data containing cell information, which is information for identifying a cell" **(Column 7, Lines 28-49 of Linkola).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Haberman to incorporate the teachings of Linkola for the purpose of improving system versatility and making the system more appealing and marketable by providing a system in which the area of a specially priced call is not dependent on the

cell coverage area but may instead consist of a geographic area **(Column 4, Lines 52-58 of Linkola).**

Regarding claim 13, Haberman in view of Linkola discloses The received data display method according to claim 12." The examiner rejects claim 13 with the same arguments provided above (see claim 2).

Regarding claim 14, Haberman in view of Linkola discloses "The received data display method according to claim 12." The examiner rejects claim 14 with the same arguments provided above (see claim 3).

Regarding claim 15, Haberman in view of Linkola discloses "The received data display method according to claim 14." The examiner rejects claim 15 with the same arguments provided above (see claim 4).

Regarding claim 16, Haberman in view of Linkola discloses "The received data display method according to claim 14." The examiner rejects claim 16 with the same arguments provided above (see claim 5).

Regarding claim 17, Haberman in view of Linkola discloses "The received data display method according to claim 14." The examiner rejects claim 17 with the same arguments provided above (see claim 6).

Regarding claim 18, Haberman in view of Linkola discloses "The received data display method according to claim 14." The examiner rejects claim 18 with the same arguments provided above (see claim 7).

Regarding claim 19, Haberman in view of Linkola discloses "The received data display method according to claim 14." The examiner rejects claim 19 with the same arguments provided above (see claim 8).

Regarding claim 20, Haberman in view of Linkola discloses "The received data display method according to claim 14." The examiner rejects claim 20 with the same arguments provided above (see claim 9).

Regarding claim 21, Haberman in view of Linkola discloses "The received data display method according to claim 20." The examiner rejects claim 21 with the same arguments provided above (see claim 10).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617